



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

John Pfeffer
12 Alexander Square
London SW3 2AY
United Kingdom

FEB - 5 2016

RE: MUR 6931

Dear Mr. Pfeffer:

On April 17, 2015, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On December 10, 2015, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 52 U.S.C. § 30121(a). Accordingly, the Commission closed its file in this matter on January 21, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Ana Pena-Wallace, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Daniel A. Petalas
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name and title of the Assistant General Counsel.

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2
3 **FACTUAL AND LEGAL ANALYSIS**

4 **RESPONDENT:** John Pfeffer

MUR 6931

5 **I. INTRODUCTION**

6 This matter was generated by a complaint filed with the Federal Election Commission
7 (the "Commission") by Daniel G. Hinnenkamp on April 10, 2015, alleging violations of the
8 Federal Election Campaign Act of 1971, as amended (the "Act") by John Pfeffer. For the
9 reasons set forth below, the Commission finds no reason to believe that John Pfeffer violated
10 52 U.S.C. § 30121(a).

11 **II. FACTUAL AND LEGAL ANALYSIS**

12 **A. Factual Background**

13 Based on information obtained from the North Dakota Secretary of State's website, the
14 complaint alleges violations of the Act's ban on contributions by foreign nationals. The
15 complaint alleges that John Pfeffer, who had a London mailing address, made a prohibited
16 foreign national contribution to Governor Jack Dalrymple of North Dakota when he contributed
17 \$1,000 to the Governor's campaign on October 15, 2012. However, a copy of Pfeffer's original
18 contribution check shows a Tennessee address. Pfeffer's response to the complaint states that he
19 is a U.S. citizen and provides a copy of his U.S. passport indicating the same.¹

20 **B. Legal Analysis**

21 Under the Act, it is unlawful for a foreign national, directly or indirectly, to make a
22 contribution or donation of money or other thing of value "in connection with a Federal, State, or

¹ Pfeffer Resp. (April 24, 2015).

1 local election.”² In addition, no person may solicit, accept, or receive a foreign national
2 contribution or donation.³ A “foreign national” is an individual who is not a citizen of the United
3 States or a national of the United States and who is not lawfully admitted for permanent
4 residence.⁴ If a committee treasurer, based on new evidence not available to the political
5 committee at the time of receipt and deposit, discovers that an illegal contribution, such as one
6 from a foreign national, was accepted, the treasurer shall refund the contribution to the
7 contributor within thirty days of the date on which the illegality is discovered.⁵

8 In light of the evidence Pfeffer provided to demonstrate that he is a United States citizen,
9 his contribution to Governor Dalrymple’s campaign committee did not violate the Act’s foreign
10 national contribution prohibition. Therefore, the Commission finds no reason to believe that
11 John Pfeffer violated 52 U.S.C. § 30121(a).

² 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b).

³ 52 U.S.C. § 30121(a)(2). The Commission’s regulations employ a “knowingly” standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. *Id.* § 110.20(a)(4).

⁴ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii).

⁵ 11 C.F.R. § 103.3(b)(2).